

EXHIBIT 1

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1
2 UNITED STATES DISTRICT COURT
3 FOR THE SOUTHERN DISTRICT OF NEW YORK

4 -----x
5 E. JEAN CARROLL,

6 Plaintiff,
7 -against- No. 20 Civ. 7311 (LAK) (JLC)
8 DONALD J. TRUMP, in his personal
capacity

9
10 Defendant.
11 -----x

12 CONFIDENTIAL

13 DEPOSITION OF
14 LISA BIRNBACH
15 New York, New York
16 September 21, 2022

17 Reported By:

18 ERIC J. FINZ
19
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25

1 LISA BIRNBACH - CONFIDENTIAL

2 MR. MADAIO: At any time.

3 MR. CELLI: At any time from
4 the beginning of time to today, has
5 she ever discussed that topic with
6 you. Is that the question that
7 you're asking, Mike?

8 MR. MADAIO: Let's stick with
9 the '90s right now.

10 MR. CELLI: In the mid-'90s
11 period. Ask your question, sorry.

12 Q. In the mid-'90s, did
13 Ms. Carroll ever discuss with you any
14 instances where she claimed she was
15 sexually assaulted?

16 A. Yes.

17 Q. And how many different
18 instances did she discuss with you?

19 A. One.

20 Q. Okay. And what was the -- who
21 was the person that she claimed had
22 assaulted her?

23 A. Donald Trump.

24 Q. Okay. And how did this
25 conversation take place?

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2 MR. CELLI: Objection to the
3 form.

4 You can answer.

5 A. I received a phone call one
6 night around the time I was feeding my
7 kids dinner. And --

8 MR. CELLI: The question was
9 how did the conversation take
10 place.

11 THE WITNESS: On the phone.

12 MR. CELLI: You received a
13 phone call?

14 THE WITNESS: Phone call.

15 Sorry.

16 Q. You received a phone call.

17 And what was the date that you received
18 the phone call?

19 A. I don't know.

20 Q. Do you recall the year?

21 A. I believe it was 1996.

22 Q. Do you know what month in
23 1996?

24 A. I don't.

25 Q. Do you know the season?

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2 Just to clarify, that's the
3 apartment that you previously said you
4 moved into around 1995. Correct?

5 A. Mm-hmm. Yes.

6 Q. Okay. And -- okay. And can
7 you describe the sum and substance of the
8 conversation that you had with
9 Ms. Carroll?

10 MR. CELLI: Objection to the
11 form. Describe the sum and
12 substance of the conversation. If
13 you can understand that question.

14 A. E. Jean was very agitated,
15 very hyperventilating. Emotional. And
16 she told me about what happened to her
17 just really moments before she made the
18 phone call.

19 Q. Okay. Actually I want to step
20 back for one second.

21 Was anyone else in the room
22 with you when the phone call -- when you
23 answered the phone call?

24 A. Yes, my two older children.

25 Q. And what were their ages at

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2 the time, approximately?

3 A. 5 and 2.

4 Q. And what type of phone was it

5 that you answered it on? Was it like

6 a --

7 A. A landline.

8 Q. A landline?

9 A. Mm-hmm.

10 Q. And how would you describe --

11 I believe you already gave a couple

12 descriptors. But how would you describe

13 Ms. Carroll's demeanor at the beginning

14 of the call?

15 A. Upset, hyperventilating --

16 well, that's not her demeanor. Agitated.

17 She wanted to vent.

18 Q. Was she laughing early on in

19 the call?

20 A. There was a moment that she
21 was laughing. But she was not laughing
22 funny. She was laughing excited. Highly
23 reactive.

24 Q. And can you describe what E.

25 Jean told you during the call had just

1 LISA BIRNBACH - CONFIDENTIAL

2 happened to her?

3 MR. CELLI: Objection to the
4 form. You want her to describe
5 what was told to her or you want
6 her to testify about what she
7 remembers she was told, or
8 something else?

9 Q. Can you explain what
10 Ms. Carroll told you during the phone
11 call.

12 MR. CELLI: Objection to the
13 form.

14 You can answer.

15 A. So what she said to me.

16 Q. Right.

17 A. Lisa, you'll never believe
18 what happened to me. I had gone to
19 Bergdorf Goodman to look around after my
20 show, because she was hosting a live show
21 five days a week. And I was leaving from
22 the north door on 58th Street, which is a
23 revolving door. Guess who was going in
24 the store. It was Donald Trump. And he
25 said to me, oh, hi TV advice lady. And I

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2 said hi, Mr. Real Estate Mogul. And then
3 I guess they met on in -- she went back
4 in. And he said you're so smart, why
5 don't you help me pick out a present for
6 someone.

7 So she said I thought that was
8 fun. So I walked around the ground floor
9 of Bergdorf's with him and suggested
10 would she like a hat, would she like a
11 belt, would she like this.

12 Eventually they went upstairs.
13 They arrived to the lingerie department.
14 He pulled a body suit, and said, try this
15 on. She said no, you try this on.

16 And the next thing was they
17 were both in the dressing room together.

18 Should I continue?

19 MR. CELLI: The question was
20 what do you remember her telling in
21 that that phone call.

22 THE WITNESS: Right.

23 MR. CELLI: Have you completed
24 everything you recall from that
25 phone call?

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2 THE WITNESS: No.

3 MR. CELLI: Do you remember
4 other things that she said?

5 THE WITNESS: Yes, I do.

6 MR. CELLI: So if you need to
7 supplement that answer with what
8 you remember her saying to you,
9 that's fine.

10 THE WITNESS: She said, Donald
11 Trump pushed her against the wall.
12 She hit her head. He pinned her --
13 she tried to get free. He pinned
14 her with his body. And she said
15 many times over, he pulled down my
16 tights, he pulled down my tights.
17 She said it like she still couldn't
18 believe it. He pulled down my
19 tights, he pulled down my tights.

20 And I remember that she told
21 me that he entered her. And I
22 remember not really understanding
23 how she got free and got to the
24 street.

25 BY MR. MADAIO:

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2 Q. And did she say how long after
3 that had allegedly happened that it was
4 that she called you?

5 A. It had just happened.

6 Q. And after she -- after she
7 recounted what had allegedly occurred in
8 Bergdorf, did you advise her on how she
9 should proceed?

10 A. Yes.

11 Q. And what did you tell her?

12 A. I said, E. Jean, you've been
13 raped.

14 Q. Did you tell her she should go
15 to the police?

16 A. I did.

17 Q. To your knowledge, did she
18 follow your advice, did she ever report
19 the incident to the police?

20 A. No, she did not.

21 Q. Did you ever consider
22 reporting the alleged incident to the
23 police yourself?

24 A. Oh, no.

25 Q. Why not?

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2 it was with MeToo in mind.

3 MR. MADAIO: Okay.

4 BY MR. MADAIO:

5 Q. And at that time did you have
6 any conversations about the incident
7 itself or did she simply disclose that it
8 was going to be -- I guess, how did she
9 describe what was going to be in the
10 book?

11 MR. CELLI: I'm going to
12 object to the form.

13 You can answer that if you
14 understand it.

15 A. She sent me a draft of the
16 excerpt in New York Magazine.

17 Q. Oh, she sent you an excerpt.
18 Okay.

19 And did you read the excerpt
20 at or around that time?

21 A. Yes.

22 Q. And what was your impression
23 of it?

24 A. My impression was that it was
25 very -- it was how I remembered it too.

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2 You know, very close. Maybe, you know,
3 it was there.

4 And, it was -- you know. It
5 was her story.

6 Q. Did it align with your
7 recollection at that time of what the
8 conversation had been in 1996?

9 MR. CELLI: Objection to the
10 form.

11 You can answer.

12 A. I think so, yeah.

13 Q. How -- so you previously
14 stated that you hadn't thought about that
15 phone call since it took place in 1996.
16 So how confident are you that you, in
17 your recollection at the time when you
18 received the phone call from E. Jean in
19 2019, that you had remembered the details
20 of that call?

21 MR. CELLI: Objection to the
22 form. I don't know what that
23 question means, Mike. But you're
24 entitled to ask it.

25 Q. How confident were you that